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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,113	09/27/2004	Kenichi Tanaka	HEIW:038	1254
27890 7590 08/14/2007 STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			EXAMINER PASCUA, JES F	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 08/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary	Application No. 10/509,113	Applicant(s) TANAKA ET AL.	
	Examiner Jes F. Pascua	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/27/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,486,051 to May and U.S. Patent No. 5,369,847 to Naya et al.

May discloses the claimed device except for the pair of tapes (16, 18, 16a, 18a) having projected parts formed in projected lines at the bag body opening side edge parts and integrally projected to inner and outer face sides of the bag body. Naya et al. discloses that it is known in the art to provide projected parts (8-13), formed in projected lines at the bag body opening side edge parts and integrally projected to inner and outer face sides of the bag body on an analogous pair of tapes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bag body opening side edge parts of the May tapes with the projected parts of Naya et al., in order to facilitate separating the male and female clamping parts. Furthermore, the flexible characteristics of the May bag body would inherently permit projected parts, like those of Naya et al., to project toward inner and outer face sides of the bag body.

Regarding claim 2, the combination of May and Naya et al., as discussed above, inherently meets the recitation "wherein the projections disposed on the pair of tapes are not thermally fused onto the inner face of the bag body".

Regarding claim 4, May and Naya et al. disclose the claimed invention, as discussed above, except for maximum width of the projected part in a direction inside and outside the bag body being 0.3 mm or more and not more than a distance between the faces of the tapes. It would have been an obvious matter of design choice to make the projected parts of Naya et al. with a maximum width of 0.3 mm or more and not more than a distance between the faces of the tapes, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art absent any showing of criticality and unexpected result.

Regarding claim 5, May and Naya et al. disclose the claimed invention, as discussed above, except for maximum width of the projected part in a direction on inner and outer face sides of the bag body being 0.5 mm or more and $\frac{1}{2}$ or less of a distance between the faces of the tapes. It would have been an obvious matter of design choice to make the projected parts of Naya et al. with a maximum width of 0.5 mm or more and $\frac{1}{2}$ or less of a distance between the faces of the tapes, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art absent any showing of criticality and unexpected result.

Regarding claim 7, May and Naya et al. disclose the claimed invention, as discussed above, except for maximum width of the projected part in a direction on inner and outer face sides of the bag body being 0.3 mm or more and 2.0 or less. It would have been an obvious matter of design choice to make the projected parts of Naya et al. with a maximum width of 0.3 mm or more and 2.0 or less, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art absent any showing of criticality and unexpected result.

Regarding claim 8, May and Naya et al. disclose the claimed invention, as discussed above, except for maximum width of the projected part in a direction on inner and outer face sides of the bag body being 0.5 mm or more and 2.0 or less. It would have been an obvious matter of design choice to make the projected parts of Naya et al. with a maximum width of 0.5 mm or more and 2.0 or less, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art absent any showing of criticality and unexpected result.

Regarding claim 9, May and Naya et al. disclose the claimed invention, as discussed above, except for maximum width of the projected part in a direction on inner and outer face sides of the bag body being 0.3 mm or more and not more than a distance between the faces of the tapes. It would have been an obvious matter of design choice to make the projected parts of Naya et al. with a maximum width of 0.3 mm or more and not more than a distance between the faces of the tapes, since such a

modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art absent any showing of criticality and unexpected result.

Regarding claim 10, May and Naya et al. disclose the claimed invention, as discussed above, except for maximum width of the projected part in a direction on inner and outer face sides of the bag body being 0.5 mm or more and not more than a distance between the faces of the tapes. It would have been an obvious matter of design choice to make the projected parts of Naya et al. with a maximum width of 0.5 mm or more and not more than a distance between the faces of the tapes, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art absent any showing of criticality and unexpected result.

Regarding claim 11, May and Naya et al. disclose the claimed invention, as discussed above, except for the shift of the projected part in a depth direction of the bag body being in the range of 1.0 mm to 2.0 mm. It would have been an obvious matter of design choice to shift of the projected part of Naya et al. in a depth direction of the bag body being in the range of 1.0 mm to 2.0 mm, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art absent any showing of criticality and unexpected result.

Regarding claims 12 and 13, May and Naya et al. disclose the claimed device, as discussed above, except for the shape of the projected part constituting a protruded line

circular or angular. It would have been an obvious matter of design choice to make the projected parts of Naya et al. circular or angular or of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results.

Conclusion


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 571-272-4546. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jes F. Pascua
Primary Examiner
Art Unit 3782

JFP